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IN THE

Supreme Court of the United States

1976 Term

No. 74-6257

TROY LEON GREGG,

vs. *Petitioner,*

THE STATE OF GEORGIA,

Respondent.

No. 75-5394

JERRY LANE JUREK,

vs. *Petitioner,*

THE STATE OF TEXAS,

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No. 75-5491

JAMES TYRONE WOODSON and LUBY WAXTON,

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STANISLAUS ROBERTS,

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ON WRITS OF CERTIORARI TO THE SUPREME COURT OF GEORGIA, THE TEXAS COURT OF CRIMINAL APPEALS, AND THE SUPREME COURTS OF NORTH CAROLINA, FLORIDA, AND LOUISIANA, RESPECTIVELY

MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS CURIAE* AND BRIEF OF AMNESTY INTERNATIONAL AS *AMICUS CURIAE*

ARTHUR M. MICHAELSON
Attorney for Amicus Curiae
Amnesty International
555 Madison Avenue
New York, N.Y. 10022

MARK K. BENENSON
Of Counsel
NIGEL S. RODLEY
EILEEN LACH
On the Brief

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Motion for Leave to File Brief

Annesty International, by its attorney, Arthur M. Michaelson, moves for leave to file a brief *Amicus Curiae* in support of petitioners.

Interest of the *Amicus Curiae*

The *Amicus Curiae*, Amnesty International, is a nonpartisan private international humanitarian organization which works to secure for all persons the right freely to hold and express their convictions as guaranteed in the United Nations Universal Declaration of Human Rights.

Article 1 of Amnesty International's Statute (copy attached as Appendix A), as amended September 8, 1974, reads in pertinent part:

> CONSIDERING that every person has the right freely to hold and to express his convictions and the obligation to extend a like freedom to others, the objects of AMNESTY INTERNATIONAL shall be to secure throughout the world the observance of the provi-

> sions of the Universal Declaration of Human Rights, by:
>
> • • •
>
> (c) opposing by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or advocated violence.

Amnesty International was founded in London in 1961 and now has national sections in over thirty countries, including the United States, with approximately 50,000 individual members in some sixty countries.

Amnesty International has formal consultative status with the United Nations, UNESCO, the Organization of American States, the Council of Europe, the Interamerican Commission of Human Rights, and in regard to refugees, the Organization of African Unity. Many members of these organizations (e.g. the United Nations, UNESCO, the Council of Europe and the Organization of American States) have abolished the death penalty *de jure;* others have *de facto* stopped executions. It also is the worldwide experience of Amnesty International that the death penalty is applied in a highly discriminatory fashion against ethnic and religious minorities, against political prisoners, against the disadvantaged.

Amnesty International does not approve of and would not defend any violent crime. However, it cannot regard the death penalty other than as an anachronism and an act of cold blood beneath the dignity of a modern state.

Amnesty International frequently appeals to governments not to impose, or to commute, sentences of death upon "political" criminals. It believes that if the death penalty were abolished in the United States, other nations would be greatly influenced to follow in the same course.

Accordingly, Amnesty International moves for leave to file the following brief as *amicus curiae.*

Respectfully submitted,

ARTHUR M. MICHAELSON
Attorney for Amicus Curiae
Amnesty International
555 Madison Avenue
New York, N. Y. 10022

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Of Counsel

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BRIEF OF AMNESTY INTERNATIONAL AS *AMICUS CURIAE*

ARGUMENT

I.

In the absence of specific constitutional direction, the Court, in deciding the death penalty question, makes a moral decision which can determine a standard of the humane governance of society if founded on the sanctity of the right to life.

The issue of the death penalty presents the court with a question devoid of specific constitutional direction. There is no explicit language by which the Court is to be governed, but rather it must interpret the Eighth and Fourteenth Amendments. Judicial interpretation which results in law is a process of value realization, a reflection of standards of and for the community.[1] Consequently, in an area such as the issue of the death penalty, the Court is left to determine an aspect of the humane evolution of society.[2]

The abolition of the death penalty is a useful standard of development for a nation which historically has pronounced and demonstrated its concern for human rights law. It is also a valid indicator by which a society may measure its humanity. The acceptance or rejection of the

[1] For a brief summaries and views of law as a value-realizing process see Cahn, *The Moral Decision* (1955); McDougal, *The Law School of the Future; from Legal Realism to Policy Science in the World Community,* 56 YALE L.J. 1345, 1345-50 (1947). A similar perspective concerning internationally significant issues and their relation to domestic courts can be found in R. FALK, THE ROLE OF DOMESTIC COURTS IN THE INTERNATIONAL LEGAL ORDER (1964).

[2] The Court has assumed this task in many notable decisions, e.g. *Powell* v. *Alabama,* 287 U.S. 45 (1932); *Shelley* v. *Kraemer,* 334 U.S. 1 (1948); *Brown* v. *Board of Education,* 247 U.S. 483 (1954).

humane standard is a moral question which concerns both the sanctity of life and the humane governance of a nation.[3]

The dignity of human life and the right to life have had a history of legal recognition.[4] Other extended rights have been predicated on the basic right to life, tending to show the inalienability of the right.[5]

The possibility of mistake accentuates a realization of

[3] The Secretary-General of the United Nations noted:

> The debate on the death penalty continues to revolve around two main questions of its morality and its usefulness. The moral issue is the right of any society to put any person to death, i.e. to deny him his basic human rights to live. The question of the utility of capital punishment turns essentially on its efficiency in preventing crime.

He also observed:

> In some respects it is surprising that these [moral and utilitarian] issues of principle are not yet settled . . .

UNITED NATIONS, ECONOMIC AND SOCIAL COUNCIL, Report of the Secretary-General, *Capital Punishment* (E/5242) 4 and 3 (February 23, 1973). Also reprinted in UNITED NATIONS, 31 INT'L REV. CRIM. POL'Y 91, 92 (1974) [hereinafter Secretary-General's Report 1973].

[4] See Point III *infra,* concerning the provisions and acceptance of the United Nations Charter, the International Bill of Human Rights and the Vienna Convention on the Law of Treaties.

[5] Note, for example, the predicative assumptions of *The World Food Conference Declaration on the Eradication of Hunger and Malnutrition,* U.N. Doc. SEC/E. 75 II.A.3, 1 (1974) meeting under the authorization of CONST. U.N. FOOD AND AGRICULTURAL ORGANIZATION (FAO), Oct. 16, 1945, 12 U.S.T. 980, T.I.A.S. No. 4803:

> Recognizing that:
>
> The grave food crisis that is afflicting the peoples of the developing countries where most of the world's hungry and ill-nourished live and where more than two-thirds of the world's population produce about one third of the world's food . . . is not only fraught with grave economic and social implications, but also acutely jeopardizes the most fundamental principles and values associated with the right to life and human dignity as enshrined in the Universal Declaration of Human Rights.

the sanctity of life which no temporal process is empowered to abridge. Camus points out this basic concept:[6]

> A classic treatise of French law, in order to excuse the death penalty for not involving degrees, states this: "Human justice has not the slightest desire to assure such a proportion. Why? Because it knows it is frail." Must we, therefore, conclude that such frailty authorizes us to pronounce an absolute judgment and that, uncertain of ever achieving pure justice, society must rush headlong, through the greatest risks, toward supreme injustice? . . . Compassion does not exclude punishment, but it suspends the final condemnation. Compassion loathes the definitive, irreparable measure that does an injustice to mankind as a whole . . .

The limitation on the power of and potential for abuse by the state follows from the recognition of the sacredness of life free from the ultimate interference of a state-imposed death penalty. A society is entitled to choose the means by which it protects its citizens. However, the means selected under a system of humane governance should be limited to methods which positively deter criminal behavior. It is not clear that the death penalty fulfills that—

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[6] A. CAMUS, *Reflections on the Guillotine,* in RESISTANCE, REBELLION AND DEATH 131, 165-66 (Mod. Lib. 1960). See A. KOESTLER, REFLECTIONS ON HANGING (Victor Gollancz, Ltd. 1956). See also C. DARROW, THE NEGATIVE OF DEBATE RESOLVED: THAT CAPITAL PUNISHMENT IS A WISE PUBLIC POLICY, 41 (1924).

or any—utilitarian purpose.[7] Human rights law, from Magna Carta onward, serves to limit the abuse of individuals by the national power. The conception of a society under a humane system of government has evolved since that time, through legal decisions which shape human rights standards. In the absence of specific constitutional imperatives, the Court in this group of cases decides a profound question of humane societal governance and standards of human rights. A cognizance of the right to life is fundamental to the decision.

II.

The Court has a unique opportunity to fulfill a dual role (a) in following the lead of other humane nations in abolishing the death penalty and (b) in serving as a leader to other nations which have not yet abolished the death penalty.

The Court has long been sensitive to the imperatives "of this country's status and membership in the community of nations".[8] Within the context of its deliberations on

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[7] UNITED NATIONS, ECONOMIC AND SOCIAL COUNCIL, Report of the Secretary-General, *Capital Punishment* (E/5616) 4 (February 12, 1975) [hereinafter Secretary-General's Report 1975] states:

> In the past the United Nations has considered most of the problems involved in capital punishment. The focus in the UN reports on capital punishment of 1962 and 1967 was on the deterrent effect of the death penalty. The conclusion of these reports was that no significant differences between the rates of capital offenses could be found before and after the abolition of the death penalty in abolitionist countries. They also indicated that in general, no significant differences could be found in the rates of capital offences in countries with capital punishment and those in countries without it.

Commonwealth v. *O'Neal,* No. 3502 (Mass. Sup. Jud. Ct., Dec. 22, 1975). See BOWERS, EXECUTIONS IN AMERICA 160 (1974); KAKOULLIS, THE MYTHS OF CAPITAL PUNISHMENT (Center for Responsible Psychology, Brooklyn College, C.U.N.Y.) Report No. 13, 1974.

[8] *The Paquette Habana,* 175 U.S. 677, 700 (1900).

other international issues, it has been mindful of the practices of other nations.[9] In fact, there is precedent for the Court to survey international practices and policy in forming judgments as to the cruelty of punishments.[10]

The practices and policies of the Western European nations, the group of nations with which the United States readily identifies in its juridico-cultural heritage, provide guidance in their commitment to humane standards in the abolition of capital punishment.[11] This is particularly significant in a violent world where, as the United Nations has noted:

> As new forms of terror and violence evolve in society, the tendency to revert to the death penalty as the main deterrent is conspicuously increased.[12]

The overwhelming majority of European nations have abolished the death penalty *de jure* or *de facto* for "ordinary crimes"[13] as a minimum.[14] Legislation in Europe within the past ten years has displayed an increasing trend toward total abolition of the death penalty.[15] Several

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[9] See, e.g. *A.F. of L.* v. *American Sash and Door Co.*, 335 U.S. 538, 548 (1949), in which the Court considered collective bargaining, "in the light of the experience of countries advanced in industrial democracy, such as Great Britain and Sweden".

[10] *Trop* v. *Dulles*, 356 U.S. 86, 103 (1958) which concerns whether loss of citizenship due to military desertion is cruel and unusual punishment.

[11] The following discussion of Western European *de jure* and *de facto* abolition is limited to those situations similar to the facts of the cases presently before the Court. We do not consider herein the use of the death penalty for acts of terrorism, treason, state assassination or political acts related to the security of the state in times of war or extreme national turbulence. The Secretary-General's Report 1973 refers to the excluded class as "political" offenses. The remainder constitute "ordinary" crimes. Secretary-General's Report 1973, 9, 94.

[12] Secretary-General's Report 1973, 4, 92.

[13] See note 11, *supra*.

[14] A total of twenty-two nations have abolished capital punishment since 1863. Those in Western Europe are: Austria, *de jure* in 1945; Belgium, *de facto;* Denmark, *de jure* in 1930 for ordinary crimes; Finland, *de jure* in 1949; Federal Republic of Germany, *de jure* in 1949; Iceland, *de jure* in 1928; Italy, *de jure* in 1944 for ordinary crimes; Luxembourg, *de facto* with no executions for at least 40 years; Netherlands, *de jure* in 1870 for ordinary crimes; Norway, *de jure* in 1905 for ordinary crimes; Portugal, *de jure* in 1867 for ordinary crimes; Sweden, *de jure* in 1921; United Kingdom, *de jure* in 1969 for ordinary crimes. For a definition of "ordinary", see note 11, *supra*. Secretary-General's Report 1975, Tables 1 and 2.

For a history of Western European abolition of capital punishment, see M. ANCEL, THE DEATH PENALTY IN EUROPEAN COUNTRIES (Council of Europe 1962).

[15] In 1973 Denmark, which since 1930 had retained the death penalty only in time of war, amended the Military Criminal Code to limit the scope of criminal offenses for which the death penalty could be imposed. UNITED NATIONS, ECONOMIC AND SOCIAL COUNCIL, Report of the Secretary-General Addendum, *Capital Punishment* (E/5616/Add. 1) 1-2 (April 18, 1975).

In 1921 Sweden abolished *de jure* the death penalty in times of peace. From July 1, 1973 it extended the abolition to wartime as well, thus becoming the tenth nation to completely abolish the death penalty. Secretary-General's Report 1975, 7.

The United Kingdom abolished the death penalty for an experimental period by the Death Penalty Act of 1965, and made the action permanent by affirmative resolutions of both Houses of Parliament in 1969. A capital offense under the Dockyards Protection Act of 1792 was repealed by the Criminal Damage Act of 1971. These reforms occurred despite a considerable upsurge in terrorism. *Ibid.*

In February 1968, Austria abolished the death penalty for the execptional crimes to which it could still be applied. Secretary-General's Report 1973, 10.

On June 1, 1972, Finland abolished the death penalty during wartime, the only time it had previously been allowed. *Ibid.*

European nations have, in fact, incorporated the abolition of the death penalty into their national constitutions.[16] This state of affairs has led the United Nations Counsel on Economics and Social Affairs to observe that:

> . . . in the period 1969-1973 further progress has been made in some countries by abolishing capital punishment either totally or for ordinary crimes, or by suspending it, or by restricting the number of capital offences . . .[17]

The overwhelming abolition of the death penalty in Western Europe provides the Court with a sound model for a decision holding capital punishment unconstitutional. The example of other societies which have adopted this aspect of a commitment to humane standards urges such a decision and supports its moral rightness.

The Court in the present case has a second unique opportunity to affect the leadership capacity of the United States in global affairs. All but 22 countries[18] currently allow for the death penalty. If the United States, preeminent in physical power among the nations, joined the ranks of those humane states which have abolished capital punishment, it could not fail to positively influence a reconsideration of the death penalty among its remaining adherents.

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[16] For example, Austria, West Germany, Italy and Portugal. For the texts of these and other constitutional abolition provisions, see A. PEASLEE, CONSTITUTIONS OF NATIONS (The Hague, M. Nijhoff 1956).

[17] UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL, Report of the Social Committee, *Social Development Questions*, (E/5664) 6 (April 25, 1975).

[18] See note 14, *supra*.

III.

The United Nations Charter, interpreted through the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights, promotes the humane governance of society and thus, the abolition of the death penalty in the United States.

Chronologically, the Court's recognition of the relevance of international legal considerations to domestic adjudications[19] followed the creation of the United Nations Organization and United States adherence to the Charter. The Court has noted that under Articles 55C and 56 of the Charter "we have pledged ourselves to cooperate with the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion."[20] The "good faith" clause of the Charter,

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[19] *Hurd* v. *Hodge*, 334 U.S. 24, 34-35 (1948).

[20] *Oyama* v. *California*, 332 U.S. 633, 649 (1948) (Black, *J.*, concurring). Article 55 of the Charter of the United Nations, June 26, 1945, 59 Stat. 1031 (1945), T.S. No. 993 (effective Oct. 24, 1945), reads in relevant part:

> With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:
>
> * * *
>
> c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56 reads:

> All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of purposes set forth in Article 55.

The records of the San Francisco meetings on the drafting of the Charter illustrate that the framers attached importance to the words "separate action". The qualifying words "in cooperation" were intended to prevent direct United Nations intervention in domestic affairs rather than to limit the obligation of member nations to observe human rights. See GOODRICH, HAMBRO AND SIMONS, CHARTER OF THE UNITED NATIONS, 380-82 (3rd ed. 1969).

Article 2,[21] has been applied in practice by the Court in invalidating an Alien Land Law which prohibited land ownership by Japanese.[22] Although unmentioned by the Court, its decision was consistent with an act of the General Assembly in which that body had voted in a 1946 Resolution on Persecution and Discrimination, to call "on the Governments . . . to conform both to the letter and to the spirit of the Charter."[23]

Alternative methods exist to read general provisions in terms of more specific human rights to be protected under the United Nations Charter. A right to individual freedom from capital punishment may be interpreted through a principle of construction similar to that articulated by the Court in *Bacardi Corp.* v. *Domenech,* 311 U.S. 150, 163 (1940):

> According to the accepted canon, we should construe the treaty liberally to give effect to the purpose which animates it. Even where a provision of a treaty fairly admits of two constructions, one restricting, the other enlarging, rights which may be claimed under it, the more liberal interpretation is to be preferred.

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[21] U.N. CHARTER art. 2, para. 2:

> All members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

[22] *Oyama* v. *California,* 332 U.S. at 673 (Murphy, *J.*, concurring):

> The Alien Land Law stands as a barrier to the fulfillment of that national pledge [to the United Nations Charter]. Its inconsistency with the Charter, which has been duly ratified and adopted by the United States, is but one more reason why the statute must be condemned.

[23] G.A. Res. 103, U.N. Doc. A/64/Add. 1 at 200 (1946).

In the alternative, the rights sought to be protected by the United Nations Charter may be established with a reading of:

> (a) any subsequent agreement between the parties regarding the interpretation of the treaty or the applications of its provisions;
>
> (b) any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation;
>
> (c) any relevant rules of international law applicable in the relations between the parties.[24]

Within the human rights context, the International Bill of Human Rights[25] constitutes a subsequent agreement which reflects the general principles of law recognized by the overwhelming majority of nations and international customs of general practice. Indeed, it is commonly accepted that the Universal Declaration of Human Rights has become a part of international customary law and, in that sense, can be construed as an interpretation of the United Nations Charter.[26] Given that general interpre-

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[24] Vienna Convention on the Law of Treaties, May 22, 1969 [1972], U.N. Doc. A/Conf. 39/26 (1969), Art. 31(3) (a)-(c).

[25] The International Bill of Human Rights comprises four documents: the *Universal Declaration of Human Rights,* G.A. Res 217, U.N. Doc. A/810 at 71 (1948), and the *Covenant on Economic, Social and Cultural Rights, the Covenant on Civil and Political Rights,* and the *Optional Protocol,* G.A. Res. 2200, 21 GAOR Supp. 16, at 48, U.N. Doc. A/6316 (1966).

[26] I.C.J. Stat. Art. 38.

Evidence that the Universal Declaration of Human Rights has secured the status of international customary law is reflected generally in the country by country reporting series of the United Nations, *Yearbook on Human Rights,* U.N. Sales No. E. 48. XIV. 1.-E. 74. XIV.1. (covering 1948-1971). See the Editorial Comment by Louis B. Sohn, 62 *A.J.I.L.* 909 (1968), which reviews the accepted status of the Universal Declaration of Human Rights:

tation, support for more specific rights, like the freedom from capital punishment, can be established.

Two particular constituent elements of this customary law of the Universal Declaration of Human Rights are relevant to the issue of the death penalty, Article 3:

> Everyone has the right to life, liberty and the security of person.

and Article 5:

> no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

The right to life specified by Article 3 of the Universal Declaration of Human Rights is reaffirmed by Article 6 of the International Covenant on Civil and Political Rights[27] which provides that "Every human being has the inherent right to life. This right shall be protected by law. . . ."

The Charter of the United Nations, the Universal Declaration of Human Rights and the other unanimously adopted declarations of the United Nations have established a legislative framework for the protection of human rights throughout the world. The Montreal Statement of the Assembly for Human Rights, of March 27, 1968, expressed the general consensus of international experts that the "Charter of the United Nations, the constitutional document of the world community, creates binding obligations for Members of the United Nations with respect to human rights"; and that the "Universal Declaration of Human Rights constitutes an authoritative interpretation of the Charter of the highest order, and has over the years become a part of customary international law." Similarly, the intergovernmental Proclamation of Teheran, of May 13, 1968, emphasized that the "Universal Declaration of Human Rights states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community."

See also E. SCHWELB, HUMAN RIGHTS AND THE INTERNATIONAL COMMUNITY, THE ROOTS AND GROWTH OF HUMAN RIGHTS, 1948-1963 (1964).

[27] While the Covenant does not outlaw the use of capital punishment, it demands restrictions. Furthermore, Article 6 indicates what the trend ought to be. Article 6, paragraph 6 provides that:

> Nothing in this Article shall be invoked to delay or prevent the abolition of capital punishment by any States Party to the present Covenant.

The United Nations has considered these Articles as standards by which the legitimacy of capital punishment is to be measured.[28] Taken as standards, the Articles strongly suggest that the freedom from capital punishment is a right supported under "subsequent"[29] interpretation of the United Nations Charter. It is a right which may legitimately be recognized and protected by nations which, like the United States, have pledged to take action consistent with the thrust of the United Nations Charter which states as essential to a felicitous future for our species, "universal respect for, and observance of, human rights."[30]

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[28] UNITED NATIONS, ECONOMIC AND SOCIAL COUNCIL, Commission on Human Rights (E/CN. 4/1111) 7 (February 1, 1973); UNITED NATIONS, ECONOMIC AND SOCIAL COUNCIL, Commission on Human Rights (E/CN. 4/1159) 10 (January 24, 1975); Secretary-General's Report 1973, Annex II, 101.

[29] Vienna Convention on the Law of Treaties, May 22, 1969 [1972], U.N. Doc. A/CONF. 39/26 (1969), Article 31 (3) (a)-(c).

[30] Note 20, *supra*.

Although the resolutions of the General Assembly do not carry the obligations of agreements or customary practice flowing from the United Nations Charter, they provide a source of evidence on general customary law and the resolutions of important international legal issues. The Court in the past has consulted the work product of United Nations resolutions, e.g., *Kennedy* v. *Mendoza-Martinez*, 372 U.S. 159, 161 n. 16 (1963).

Resolutions of the United Nations have "the intention . . . to promote abolition" of the death penalty. Secretary-General's Report 1973, 20, 99. The linkage to Article 3 of the Universal Declaration of Human Rights is clear:

> [I]n order fully to guarantee the right to life, provided for in Article 3 of the Universal Declaration of Human Rights, the main objective to be pursued is that of progressively restricting the number of offences for which capital punishment may be imposed with a view to the desirability of abolishing this punishment in all countries.

G.A. Res. 2857, 26 GAOR Supp. 21, at 94, U.N. Doc. A/8421 (1971).

See also *Wyatt* v. *Stickney*, 344 F.Supp. 387, 390 n. 6 (M.D. Ala. 1972) where the Court's "decision with regard to habilitation is supported not only by applicable legal authority, but also by a resolution adopted on December 27, 1971, by the General Assembly of the United Nations".

CONCLUSION

The death penalty should be abolished.

Respectfully submitted,

ARTHUR M. MICHAELSON
Attorney for Amicus Curiae
Amnesty International
555 Madison Avenue
New York, N. Y. 10022

MARK K. BENENSON
Of Counsel

NIGEL S. RODLEY
EILEEN LACH
On the Brief

APPENDIX

Statute of Amnesty International

As amended by the seventh International Council meeting in Askov, Denmark, 8 September 1974

OBJECTS

1. CONSIDERING that every person has the right freely to hold and to express his convictions and the obligation to extend a like freedom to others, the objects of AMNESTY INTERNATIONAL shall be to secure throughout the world the observance of the provisions of the Universal Declaration of Human Rights, by:

(a) irrespective of political consideration working towards the release of and providing assistance to persons who in violation of the aforesaid provisions are imprisoned, detained, restricted or otherwise subjected to physical coercion or restriction by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, colour or language, provided that they have not used or advocated violence (hereinafter referred to as 'Prisoners of Conscience').

(b) opposing by all appropriate means the detention of any Prisoners of Conscience or any political prisoners without trial within a reasonable time or any trial procedures relating to such prisoners that do not conform to recognized norms to ensure a fair trial.

(c) opposing by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or advocated violence.

METHODS

2. In order to achieve the aforesaid objects, AMNESTY INTERNATIONAL shall:

(a) at all times maintain an overall balance between its activities in relation to countries adhering to the different world political ideologies and groupings;

(b) promote as appears appropriate the adoption of constitutions, conventions, treaties and other measures which guarantee the rights contained in the provisions referred to in article 1 hereof;

(c) support and publicize the activities of and cooperate with international organizations and agencies which work for the implementation of the aforesaid provisions;

(d) take all necessary steps to establish an effective organization of national sections, affiliated groups and individual members;

(e) secure the adoption by groups of members or supporters of individual Prisoners of Conscience or entrust to such groups other tasks in support of the objects set out in article 1;

(f) provide financial and other relief to Prisoners of Conscience and their dependents and to persons who have lately been Prisoners of Conscience or who might reasonably be expected to become Prisoners of Conscience if they were to return to their own countries and to the dependants of such persons;

(g) work for the improvement of conditions for Prisoners of Conscience and political prisoners;

(h) provide legal aid, where necessary and possible to Prisoners of Conscience and to persons who,

if convicted, might reasonably be considered likely to become Prisoners of Conscience and, where desirable, send observers to attend the trial of such persons;

(i) publicize the cases of Prisoners of Conscience or persons who have otherwise been subjected to disabilities in violation of the aforesaid provisions;

(j) send investigators, where appropriate, to investigate allegations that the rights of individuals under the aforesaid provisions have been violated or threatened;

(k) make representations to international organizations and to governments whenever it appears that an individual is a Prisoner of Conscience or has otherwise been subjected to disabilities in violation of the aforesaid provisions;

(l) promote and support the granting of general amnesties of which the beneficiaries will include Prisoners of Conscience;

(m) adopt any other appropriate methods for the securing of its objects.

ORGANIZATION

3. AMNESTY INTERNATIONAL shall consist of national sections, affiliated groups, individual members and corporate members.

4. The directive authority for the conduct of the affairs of AMNESTY INTERNATIONAL is vested in the International Council.

5. Between meetings of the International Council, the International Executive Committee shall be responsible for

the conduct of the affairs of AMNESTY INTERNATIONAL and for the implementation of the decisions of the International Council.

6. The day to day affairs of AMNESTY INTERNATIONAL shall be conducted by the International Secretariat headed by a Secretary General under the direction of the International Executive Committee.

7. The office of the International Secretariat shall be in London or such other place as the International Council may determine.

NATIONAL SECTIONS

8. A national section of AMNESTY INTERNATIONAL may be established in any country, state or territory with the consent of the International Executive Committee. In order to be recognized as such, a national section shall (a) consist of not less than two groups or 10 members, (b) pay such annual fee as may be determined by the International Council, (c) be registered as such with the International Secretariat on the decision of the International Executive Committee. National sections shall take no action on matters that do not fall within the stated objects of AMNESTY INTERNATIONAL. The International Secretariat shall maintain a register of national sections.

9. Groups of not less than three members or supporters wishing to adopt Prisoners of Conscience may, on payment of an annual fee determined by the International Council, become affiliated to AMNESTY INTERNATIONAL or a national section thereof. Any dispute as to whether a group should be or remain affiliated shall be decided by the International Executive Committee. An affiliated group shall accept for

adoption such prisoners as may from time to time be allotted to it by the International Secretariat, and shall adopt no others as long as it remains affiliated to AMNESTY INTERNATIONAL. No group shall be allotted a Prisoner of Conscience detained in its own country. The International Secretariat shall maintain a register of affiliated groups. Groups shall take no action on matters that do not fall within the stated objects of AMNESTY INTERNATIONAL.

INDIVIDUAL MEMBERSHIP

10. Individuals residing in countries where there is no national section may, on payment to the International Secretariat of an annual subscription fee determined by the International Executive Committee, become members of AMNESTY INTERNATIONAL. In countries where a national section exists, individuals may become members of AMNESTY INTERNATIONAL, with the consent of the national section. The International Secretariat shall maintain a register of such members.

CORPORATE MEMBERSHIP

11. Organizations may, at the discretion of the International Executive Committee and on payment of an annual subscription fee determined by the International Executive Committee, become corporate members of AMNESTY INTERNATIONAL. The International Secretariat shall maintain a register of corporate members.

INTERNATIONAL COUNCIL

12. The International Council shall consist of the members of the International Executive Committee and of representatives of national sections and shall meet at inter-

vals of approximately one year but in any event of not more than two years on a date fixed by the International Executive Committee. Only representatives of national sections and members of the International Executive Committee elected by the International Council shall have the right to vote on the International Council.

13. National sections may appoint representatives as follows:

2 - 9 groups	—	1 representative
10 - 49 groups	—	2 representatives
50 - 99 groups	—	3 representatives
100 - 199 groups	—	4 representatives
200 - 399 groups	—	5 representatives
400 groups or over	—	6 representatives

National sections consisting primarily of individual members rather than groups may in alternative appoint representatives as folows:

50 - 499	—	1 representative
500 - 2499	—	2 representatives
2500 and over	—	3 representatives

Only sections having paid in full their fees as assessed by the International Council for the previous financial year shall vote at the International Council. This requirement may be waived in whole or in part by the International Executive Committee.

14. Representatives of groups not forming part of a national section may with the permission of the Secretary General attend a meeting of the International Council as observers and may speak thereat but shall not be entitled to vote.

15. A national section unable to participate in an International Council may appoint a proxy or proxies to vote on its behalf and a national section represented by a lesser number of persons than its entitlement under article 13 hereof may authorize its representative or representatives to cast votes up to its maximum entitlement under article 13 hereof.

16. Notice of the number of representatives proposing to attend an International Council, and of the appointment of proxies, shall be given to the International Secretariat not later than one month before the meeting of the International Council. This requirement may be waived by the International Executive Committee.

17. A quorum shall consist of the representatives or proxies of not less than one quarter of the national sections entitled to be represented.

18. The Chairman of the International Executive Committee, or such other person as the International Executive Committee may appoint, shall open the proceedings of the International Council, which shall elect a chairman. Thereafter the elected Chairman, or such other person as he may appoint, shall preside at the International Council.

19. Except as otherwise provided in this statute, the International Council shall make its decisions by a simple majority of the votes cast. In case of an equality of votes the Chairman of the International Executive Committee shall have a casting vote.

20. The International Council shall be convened by the International Secretariat by notice to all national sections and affiliated groups not later than 90 days before the date thereof.

21. The Chairman of the International Executive Committee shall at the request of the Committee or of not less than one-third of the national sections call an extraordinary meeting of the International Council by giving not less than 21 days notice in writing to all national sections.

22. The International Council shall elect a Treasurer, who shall be a member of the International Executive Committee.

23. The International Council may appoint one or more Honorary Presidents of AMNESTY INTERNATIONAL to hold office for a period not exceeding three years.

24. The International Council shall from time to time, and not less than once in five years, call an International Assembly consisting of all members of AMNESTY INTERNATIONAL, of national sections and of affiliated groups. Such an Assembly shall be for the purposes of information, discussion and consultation and shall not have the power to adopt any decisions.

25. The agenda for meetings of the International Council shall be prepared by the International Secretariat under the direction of the Chairman of the International Executive Committee.

INTERNATIONAL EXECUTIVE COMMITTEE

26. (a) The International Executive Committee shall consist of the Treasurer, one representative of the staff of the International Secretariat and seven regular members, who shall be members of AMNESTY INTERNATIONAL, or of a national section, or of an affiliated group, elected by the International Council by proportional representation by the method of the single transferable vote in accordance

with the regulations published by the Electoral Reform Society. Not more than one member of any national section or affiliated group may be elected as a regular member to the Committee, and once one member of any national section or affiliated group has received sufficient votes to be elected, any votes cast for other members of that national section or affiliated group shall be disregarded.

(b) Members of the permanent staff, paid and unpaid, shall have the right to elect one representative among the staff who has completed not less than two years' service to be a voting member of the International Executive Committee. Such member shall hold office for one year and shall be eligible for re-election. The method of voting shall be subject to approval by the International Executive Committee on the proposal of the staff members.

27. The International Executive Committee shall meet not less than twice a year at a place to be decided by itself.

28. Members of the International Executive Committee, other than the representative of the staff, shall hold office for a period of two years and shall be eligible for re-election. Except in the case of elections to fill vacancies resulting from unexpired terms of office, the members of the Committee, other than the representative of the staff, shall be subject to election in equal proportions on alternate years.

29. The Committee may co-opt not more than four additional members who shall hold office for a period of one year; they shall be eligible to be re-co-opted. Co-opted Members shall not have the right to vote.

30. In the event of a vacancy occurring on the Committee, it may co-opt a further member to fill the vacancy until

the next meeting of the International Council, which shall elect such members as are necessary to replace retiring members and to fill the vacancy.

31. If a member of the Committee is unable to attend a meeting, he may appoint an alternate.

32. The Committee shall each year appoint one of its members to act as Chairman.

33. The Chairman may, and at the request of the majority of the Committee shall, summon meetings of the Committee.

34. A quorum shall consist of not less than three members of the Committee or their alternates.

35. The agenda for meetings of the Committee shall be prepared by the International Secretariat under the direction of the Chairman.

36. The Committee may make regulations for the conduct of the affairs of AMNESTY INTERNATIONAL, and for the procedure to be folowed at the International Council.

INTERNATIONAL SECRETARIAT

37. The International Executive Committee may appoint a Secretary General who shall be responsible under its direction for the conduct of the affairs of AMNESTY INTERNATIONAL and for the implementation of the decisions of the International Council.

38. The Secretary General may, after consultation with the Chairman of the International Executive Committee, and subject to confirmation by that Committee, appoint such executive and professional staff as appear to him to be

necessary for the proper conduct of the affairs of AMNESTY INTERNATIONAL, and may appoint such other staff as appear to him to be necessary.

39. In the case of the absence or illness of the Secretary General, or of a vacancy in the post of Secretary General, the Chairman of the International Executive Committee shall, after consultation with the members of that Committee, appoint an acting Secretary General to act until the next meeting of the Committee.

40. The Secretary General or Acting Secretary General, and such members of the International Secretariat as may appear to the Chairman of the International Executive Committee to be necessary shall attend meetings of the International Council and of the International Executive Committee and may speak thereat but shall not be entitled to vote.

TERMINATION OF MEMBERSHIP

41. Membership of or affiliation to AMNESTY INTERNATIONAL may be terminated at any time by resignation in writing.

42. The International Council may, upon the proposal of the International Executive Committee or of a national section, by a three-fourths majority of the votes cast deprive a national section, an affiliated group or a member of membership of AMNESTY INTERNATIONAL if in its opinion that national section, affiliated group or member does not act within the spirit of the objects and methods set out in articles 1 and 2 or does not observe any of the provisions of this statute. Before taking such action, all national sections shall be informed and the Secretary General shall also inform the national section, affiliated group or member

of the grounds on which it is proposed to deprive it or him of membership, and such national section, affiliated group or member shall be provided with an apportunity of presenting its or his case to the International Council.

43. A national section, affiliated group or member who fails to pay the annual fee fixed in accordance with this statute within six months after the close of the financial year shall cease to be affiliated to AMNESTY INTERNATIONAL unless the International Executive Committee decides otherwise.

FINANCE

44. An auditor appointed by the International Council shall annually audit the accounts of AMNESTY INTERNATIONAL, which shall be prepared by the International Secretariat and presented to the International Executive Committee and the International Council.

AMENDMENTS OF STATUTE

45. The statute may be amended by the International Council by a majority of not less than two-thirds of the votes cast. Amendments may be submitted by the International Executive Committee or by a national section. Proposed amendments shall be submitted to the International Secreariat not less than two months before the International Council meets, and presentation to the International Council shall be supported in writing by at least five national sections. Proposed amendments shall be communicated by the International Secretariat to all national sections and to members of the International Executive Committee.